

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

BEFORE THE CHIEF PROCUREMENT  
OFFICER FOR CONSTRUCTION

IN THE MATTER OF:

DECISION

NBM CONSTRUCTION COMPANY, INC.)

CASE NO. 2009-014

v.)

POSTING DATE  
APRIL 3, 2009

COLLEGE OF CHARLESTON )

CRAIG CAFETERIA CONVERSION  
AND RENOVATION  
PROJECT H15-9635-PG )

This matter is before the Chief Procurement Officer for Construction (CPOC) pursuant to a letter of protest from NBM Construction Company, Inc. (NBM). With this invitation for bids (IFB), the College of Charleston (COC) attempts to procure construction services to build a health education complex at COC. In the letter, NBM protested COC's intent to award to Palmetto Construction Group, LLC (Palmetto) alleging that Palmetto's listed subcontractor for the plumbing work, BPCO, is not a licensed contractor. NBM further noted in the letter that the license number listed on the bid form for BPCO belonged to Blackwell Plumbing Company not BPCA.

In order to resolve the matter, the CPO conducted a hearing on April 2, 2009. Appearing before the CPO were NBM, represented by Mr. William Danielson, Project Manager; Palmetto, represented by Mr. Jay Handegan, Vice President and Partner; and COC, represented by Ms. Amy Diaz-Barriga, COC Architect/Design Engineer. At the hearing six documents were submitted into evidence. This decision is based on the evidence and testimony presented at the hearing and applicable law.

#### **NATURE OF PROTEST**

The letter of protest is attached and incorporated herein by reference. [Ex. A]

#### **FINDINGS OF FACT**

The following dates are relevant to the protest:

1. On January 26, 2009, COC solicited bids to construct the project.

2. The solicitation required bidders to list on their bid the subcontractor they intended to use to perform the plumbing work on the project.
3. Palmetto listed BPCO in the space for listing the plumbing subcontractor and the license number 3837 in the space for listing the plumbing subcontractor's license number. [Hearing Ex. 6]
4. A search of the Labor, Licensing and Regulation (LLR) Licensee Lookup Website by NBM using the name BPCO failed to produce a record of licensure. [Hearing Ex. 1]
5. A search of the LLR Licensee Lookup Website using the license number 3837 reveals that this license number belongs to Blackwell Plumbing Company and that the qualifying party for Blackwell Plumbing Company is Bradford Blackwell. [Ex. B] Licensee Lookup does not associate the name BPCO with Blackwell Plumbing Company.
6. The Contractor Licensing Board's license records show that license number 3837 belongs to Blackwell Plumbing Company also known as BPCO. [Ex. C]

## **DISCUSSION**

NBM argues that COC should not have awarded the contract to Palmetto because Palmetto's listed subcontractor for the plumbing work, BPCO, was not a licensed plumbing contractor. In support of this argument, NBM pointed to LLR's Licensee Lookup Website, which did not have a listing for BPCO. However, LLR Licensee Lookup is not definitive in that it does not indicate all names in which a licensed business is authorized to do business. To make a definitive determination on this issue, one must contact the Contractor's Licensing Board.<sup>1</sup> The Contractor's Licensing Board's record shows that BPCO is in fact a licensed plumbing contractor.<sup>2</sup>

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<sup>1</sup> The CPOC did not learn that the Licensee Lookup Website contained incomplete information concerning licensee names until after the hearing.

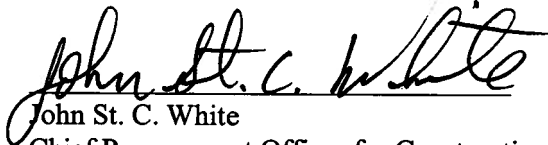
<sup>2</sup> While in this case, further inquiry with the Contractor's Licensing Board revealed that the company with the listed license number was authorized to do business in the name of either Blackwell Plumbing Company or BPCO. However, had that not been the case, NBM's protest would still fail.

Assuming NBM was protesting responsiveness (as some testimony indicated) because a name other than the name appearing on the license was listed in violation of SC Code Ann. § 40-11-370(B), NBM's protest would fail because responsiveness is determined on the face of the bid. Therefore, all a bidder has to do to be responsive with respect to the subcontractor listing requirements of the Procurement Code is to insert a name (any name) into each space provided on the bid form for listing subcontractors. *Protest of Branley Construction Co., Inc., Case No. 1999-3*. Any investigation beyond the face of the bid is an investigation into responsibility. (See Page 3 for continuation of footnote).

## DECISION

It is the decision of the CPOC that BPCO is a properly licensed plumbing contractor.

For the foregoing reasons Protest denied.

  
John St. C. White  
Chief Procurement Officer for Construction

3 April 09  
Date

Columbia, S.C.

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Assuming NBM was protesting responsibility because a name other than the name appearing on the license was listed in violation of SC Code Ann. § 40-11-370(B), NBM's protest would also fail. Responsibility means the ability, including among other things the legal ability, to perform the work. Thus, a contractor that submits a bid without the proper license is not responsible because he is legally precluded from performing the work (i.e. he lacks legal ability). SC Code Ann § 40-11-30. A violation of SC Code Ann. § 40-11-370(B), however, does not legally preclude a contractor from performing the work. The contractor is still licensed. The contractor has merely committed a technical violation of the law that at most will result in a small fine. Where a company uses its initials to bid a job rather than its full name as it appears on its license, the Administrator for the Contractor's Licensing Board has advised the CPOC that the company would not even be fined but would be advised of the requirements of the law. The Administrator further advised the CPOC that such an infraction would not preclude the company from entering into a contract to perform the work since they are, regardless of the name used on the bid, licensed.

## STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

The South Carolina Procurement Code, in Section 11-35-4210, subsection 6, states:

(6) Finality of Decision. A decision pursuant to subsection (4) is final and conclusive, unless fraudulent or unless a person adversely affected by the decision requests a further administrative review by the Procurement Review Panel pursuant to Section 11-35-4410(1) within ten days of posting of the decision in accordance with subsection (5). The request for review must be directed to the appropriate chief procurement officer, who shall forward the request to the panel or to the Procurement Review Panel, and must be in writing, setting forth the reasons for disagreement with the decision of the appropriate chief procurement officer. The person also may request a hearing before the Procurement Review Panel. The appropriate chief procurement officer and an affected governmental body shall have the opportunity to participate fully in a later review or appeal, administrative or judicial.

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Copies of the Panel's decisions and other additional information regarding the protest process is available on the internet at the following web site: [www.procurementlaw.sc.gov](http://www.procurementlaw.sc.gov)

**FILE BY CLOSE OF BUSINESS:** Appeals must be filed by 5:00 PM, the close of business. *Protest of Palmetto Unilect, LLC*, Case No. 2004-6 (dismissing as untimely an appeal emailed prior to 5:00 PM but not received until after 5:00 PM); *Appeal of Pee Dee Regional Transportation Services, et al.*, Case No. 2007-1 (dismissing as untimely an appeal faxed to the CPO at 6:59 PM).

**FILING FEE:** Pursuant to Proviso 83.1 of the 2008 General Appropriations Act, "[r]equests for administrative review before the South Carolina Procurement Review Panel shall be accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is authorized to charge the party requesting an administrative review under the South Carolina Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410(4). . . . Withdrawal of an appeal will result in the filing fee being forfeited to the panel. If a party desiring to file an appeal is unable to pay the filing fee because of hardship, the party shall submit a notarized affidavit to such effect. If after reviewing the affidavit the panel determines that such hardship exists, the filing fee shall be waived." 2008 S.C. Act No. 310, Part IB, § 83.1. PLEASE MAKE YOUR CHECK PAYABLE TO THE "SC PROCUREMENT REVIEW PANEL."

**LEGAL REPRESENTATION:** In order to prosecute an appeal before the Panel, a business must retain a lawyer. Failure to obtain counsel will result in dismissal of your appeal. *Protest of Lighting Services*, Case No. 2002-10 (Proc. Rev. Panel Nov. 6, 2002) and *Protest of The Kardon Corporation*, Case No. 2002-13 (Proc. Rev. Panel Jan. 31, 2003).



CONSTRUCTION COMPANY, INC.

P. O. Box 31027  
Charleston, SC 29417

Telephone: (843) 566-9738  
Fax: (843) 744-6239

March 5, 2009

Office of the State Engineer, South Carolina  
Attention: John White, PE  
1201 Main Street  
Columbia, SC 29201

Re: Protest of Intent to Award – State Project No. H15-9635-PG  
College of Charleston – Craig Cafeteria Conversion and Renovation

Mr. White:

As a bidder on the above referenced project, NBM Construction wishes to exercise our right to protest the Intent to Award issued by the College of Charleston for this project.

It is our opinion that Palmetto Construction Group LLC. should have been found non-responsive due to the use of an unlicensed subcontractor. Palmetto Construction Group listed BPCO Construction as their plumbing subcontractor for both Base Bid No. 1 and Base Bid No. 2.

BPCO Construction is not a licensed mechanical contractor in the State of South Carolina according to the Labor, Licensing; and Regulation website and therefore by State regulations, cannot submit a bid as BPCO Construction.

Palmetto Construction Group's listing of BPCO was followed by a license number, M3837. That license number belongs to the firm Blackwell Plumbing Co., not BPCO Construction. This further goes to indicate the status of BPCO.

NBM Construction believes that based on this information, the Intent to Award should be revoked from Palmetto Construction Group.

Thank you for your time and consideration.

Very Truly Yours,  
NBM Construction Company, Inc.

A handwritten signature in dark ink, appearing to read "Will Danielson", followed by a horizontal line.

Will Danielson  
Project Manager/Estimator

cc: J. Cordray, CoC  
J. White, Liollio  
P. Gerald, OSE  
T. Nelson, NBM  
File

**BLACKWELL PLUMBING CO**  
1010 W BOUNDARY STREET STE D  
SUMMERVILLE, SC 29485  
803-296-3620

**License number:** 3837  
**License type:** MECHANICAL CONTRACTOR  
**Status:** ACTIVE  
**Expiration:** 10/31/2009  
**First Issuance Date:** 04/13/1994  
**Classification:** PB4

**Supervises**  
**BRADFORD BLACKWELL - (COM)**

[Click here for classifications key](#)

## Credential View Screen

**[update]**

**[add tickle]**

<b>BLACKWELL PLUMBING CO</b>  <input checked="" type="radio"/> Public <input type="radio"/> Mail <b>BPCO CONSTRUCTION</b> <b>PO BOX 851</b> <b>SUMMERVILLE, SC 29484-0851</b>	<b>ID</b> <b>Contact Status</b> <b>SSN / FEIN #</b> <b>Public File</b> <b>Mailing List</b> <b>Contact Type</b>	<b>2040461</b> <b>Complaint Entry</b> <del>XXXXXXXXXX</del> <b>No</b>  <b>COMPANY</b>	<div> <b>Credentials</b>  <b>Contact</b>  <b>Audit</b>  <b>Issues</b>  <b>Documents</b>  <b>Exams</b>  <b>Experience</b>  <b>History</b>  <b>Renewal History</b> </div>
<b>Comments:</b>			<div> <b>Schools</b>  <b>Supervisees</b>  <b>SupervisedBy</b>  <b>Flags</b>  <b>Librarian</b> </div>

**Comments:**

## MECHANICAL CONTRACTOR

**[update]**

[form letter]

<b>Credential #</b>	<b>3837</b>	<b>Credential Status</b>	<b>ACTIVE</b>	<b>Audit</b>	
<b>License Type</b>	<b>MC</b>	<b>Disciplinary Status</b>		<b>Be Entity</b>	
<b>Effective Date</b>	<b>10/31/2007</b>	<b>Amount Due</b>	<b>\$0.00</b>	<b>Cont. Edu</b>	
<b>Expiration Date</b>	<b>10/31/2009</b>	<b>Date Last Activity</b>	<b>2/21/2008 11:45:37 AM</b>	<b>Inspection</b>	
<b>First Issuance Date</b>	<b>04/13/1994</b>	<b>Last Updated by</b>	<b>Baumberger,J</b>	<b>Documents</b>	
<b>Business Entity</b>	<b>SOLE PROPRIETOR</b>	<b>Certificate Sent Date</b>	<b>10/31/2007</b>	<b>Fees</b>	
		<b>Green Card Received</b>		<b>History</b>	
				<b>OV History</b>	
				<b>Online App Docs</b>	
				<b>Online Exam History</b>	
				<b>Supervises</b>	
				<b>SupervisedBy</b>	
				<b>Print Docs</b>	
				<b>Legacy</b>	

Supervises	Credential	Status	City	State
BLACKWELL, BRADFORD	CQM. 8554	ACTIVE	SUMMERVILLE	SC

**Comments:**

**User Definable Credential Data (Board Common / Credential Specific) [update]**

Board Common	
Credential Specific	
Application Date	Comment:
Mechanical Classification 1 PB4	
Mechanical Classification 2	
Mechanical Classification 3	
Mechanical Classification 4	
Mechanical Classification 5	
Mechanical Classification 6	
Mechanical Classification 7	
Mechanical Classification 8	
Mechanical Classification 9	
Mechanical Classification 10	
President/Owner	Vice Pres/Partner
Sect/Treasurer	Additional Rep
Grandfather Name	Grandfather Issued

## **HEARING EXHIBITS**



EXH. 1

## Professional Licensing Boards | Board Member Lookup

[Main Menu](#) : **Commercial Contractors** Note: All fields are not required for searching

Last Name:	<input type="text"/>	First name:	<input type="text"/>
License number:	<input type="text"/>	City:	<input type="text"/>
		Company name:	BPCO Construction
		Classification:	All
			<input type="button" value="Find"/>

Your search returned: 0 record(s).

**Search Tip:**

- IF YOUR SEARCH RETURNED 0 RECORDS, YOU MAY WANT TO TRY SEARCHING UNDER "RESIDENTIAL BUILDERS" LICENSING BOARD.
- When searching for a specific licensee, search either the COMPANY NAME or the INDIVIDUALS NAME; you CANNOT search both together. Enter just a few letters to do a multiple search listing if you don't know the exact way a person or company is licensed.
- When SEARCHING by license number, ENTER NUMBERS ONLY. do not enter G or M.
- Do not use any punctuation marks when searching a "Company name"
- IF YOU ARE AN APPLICANT CHECKING THE STATUS OF YOUR APPLICATION AND THE SEARCH RETURNS "0 RECORDS", CHECK HERE FIRST TO SEE IF YOUR APPLICATION IS PENDING BEFORE CONTACTING THE LICENSING BOARD: [PENDING APPLICATION CHECK](#). IF YOU ARE SHOWN TO BE PENDING, YOUR APPLICATION HAS BEEN RECEIVED AND IS BEING PROCESSED. YOU WILL BE CONTACTED BY MAIL OR FAX IF ITEMS ARE MISSING OR INCOMPLETE.

**Status Clarification:**

- ACTIVE: Licensee is current and properly licensed to work and pull permits in the state of SC.
- APPROVED: Applicant/Licensee is in final stages of becoming ACTIVE.
- PENDING: before accepting any jobs FROM THIS ENTITY, you must first contact this board at (803) 896-4686 to see if the contractor is within a 90-day grace period and can still work; otherwise, they can only do work that is unregulated UNTIL THEY BECOME "ACTIVE": [CLB Unregulated and Exempt.pdf](#)
- INACTIVE: Contractor cannot bid, pull permits, or do any regulated contracting work above the \$5,000 contract limit. See work/jobs that are unregulated here: [CLB Unregulated and Exempt.pdf](#)
- LAPSED: This license is lapsed/cancelled; the contractor cannot bid, pull permits, or do any regulated contracting work above the \$5,000 contract limit. See work/jobs that are unregulated here: [CLB Unregulated and Exempt.pdf](#)
- SUSPENDED: The license has been suspended by the board until further notice. No work or permits can be pulled during this time.

**Questions / Contact Information**


[Michelle Sims](#), Administrative Assistant  
PO Box 12517  
Columbia, S.C. 29211  
Telephone: 803-896-4801

[South Carolina Department of Labor, Licensing & Regulation](#)

## Professional Licensing Boards | Board Member Lookup

[Main Menu](#) : **Commercial Contractors**

Note: All fields are not required for searching

Last Name:	<input type="text"/>	First name:	<input type="text"/>
License number:	<input type="text"/>	City:	<input type="text"/>
		Company name:	B P C O Construction
		Classification:	All
			 <b>Find</b>

Your search returned: 0 record(s).

**Search Tip:**

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Last Name:	<input type="text"/>	First name:	<input type="text"/>
License number:	<input type="text"/>	City:	<input type="text"/>
		Company name:	B.P.C.O. Construction
		Classification:	All
			<input type="button" value="Find"/>

Your search returned: 0 record(s).

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**Status Clarification:**

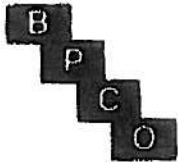
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Columbia, S.C. 29211  
Telephone: 803-896-4801

[South Carolina Department of Labor, Licensing & Regulation](#)

EXH. 2



CONSTRUCTION

up to 125

PB4

FAX QUOTATION  
FAX NUMBER (843) 871-9797

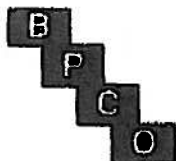
SC Mechanical Contracting License Number: M-3837  
SC Residential Building and Remolding Number: RBB.8190

Project Name: Craig Cafeteria Conversion + RenovationsProject Address: George Street, Charleston, SCSummary of Work Quoted: Demo plumbing fixtures + pipes, includes  
concrete saw cutting (patching by others) Cast iron waste, copper  
water lines, supply and install spec'd fixtures.Acknowledge 3 AddendumAMOUNT: \$1 56,498.00SIGNED: Bradford Z. BlackwellDATE: 2-24-09

Quot includes sales tax and delivery to job site.  
Quote is void after 60 days.

P.O. Box 851-Summerville, SC 29484  
Office (843) 871-9094 Mobile (843) 296-3620  
E-mail Iron\_Horse\_217@yahoo.com

EXH. 3



CONSTRUCTION

FAX TRANSMISSION

DATE: 3-11-09

To: Jay

Fax Number: 911-3775

Company: Palmetto Construction Group

RE: Craig Carterman BS

From: Brad Blackwell

Number of pages: 3 (including cover page)

Please contact our office at (843) 871-9094 if incomplete

NOTES: Let me know if you need more  
information

Thanks



Projects completed by BPCO Construction  
Owner: Bradford Z. Blackwell  
State license # M3837

1) Hunting Island Restroom Construction  
2555 Sea Island Parkway  
Hunting Island, SC 29920

- David Simms

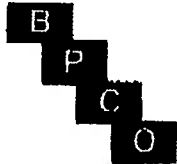
2) Edisto Beach-Barracks Construction  
Edisto Beach State Park  
8377 State Cabin Road  
Edisto Beach, SC 29438

3) Myrtle Beach State Park Campground Improvements  
Campsite Sewer Taps Project # P28-9639-PG-C  
Myrtle Beach State Park  
Myrtle Beach, SC

Owner: SC Department of Parks, Recreation & Tourism  
1205 Pendleton Street, Room 246  
Columbia, SC 29201

Scott Langford 803-734-1042  
734-0198

Contractor: Charles Blanchard Construction Corp.  
2845 Rivers Ave.  
N. Charleston, SC 29405  
Ph. (843) 747-5757



## CONSTRUCTION

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4) Parking Garage II Structural Repairs  
State Project # H51-9785-PG  
MUSC  
Charleston, SC 29425

Owner: MUSC  
97 Jonathan Lucas Street  
c/o Engineering & Facilities, MSC 190  
Charleston, SC 29425

Contractor: Stenstrom & Associates, Inc.  
P.O. Box 632  
Goose Creek, SC 29445  
Ph. (843) 824-8684

5) MacDougall Correctional Institution  
1516 Old Gilliard Road  
Ridgeville, SC 29472

Owner: SC Department of Corrections  
4322 Broad River Road  
Columbia, SC 29210

Contractor: Charles Blanchard Construction Corp.  
2845 Rivers Ave,  
N. Charleston, SC 29405  
Ph. (843) 747-5757

FROM : BPCD Construction

FAX NO. : 843-871-9797

Mar. 23 2009 04:17PM P1

EXH. 4

To: Jay  
From: Brad

State of South Carolina  
Department of Labor, Licensing and Regulation  
Contractors' Licensing Board

Licensed in the classification(s) of

PB4

State of South Carolina  
Department of Labor, Licensing and Regulation  
Contractors' Licensing Board  
Certifies

BRADFORD BLACKWELL  
1010 W BOUNDARY ST STE D  
SUMMERVILLE SC 29485

as a

MECHANICAL CONTRACTOR

License Number: N3837  
Date of Issue: 10/31/2007  
Expiration Date: 10/31/2009  
First Issuance Date: 04/13/1994





07/01 Editi

EXH. 5

SE-380

**Request for Authority to Execute a Construction Contract**

AGENCY: South Carolina Department of Parks, Recreation &amp; Tourism

MAR 3 '08 HD 3:01PM

(Name)

RCWD HMO

PROJECT: P28 - 9888 -MJ -

Edisto Beach - Barracks Construction

(Number)

(Name)

**CONTRACT DATES:**

DATE BIDS OR QUOTES WERE RECEIVED:

January 09, 2008

DATE BID OR QUOTE EXPIRES (INCLUDING EXTENSIONS):

March 09, 2008

DATE NOTICE OF INTENT TO AWARD WAS POSTED:

January 11, 2008

**AUTHORIZATION IS REQUESTED TO ENTER INTO A CONTRACT WITH:**

NAME OF BIDDER: Charles Blanchard Construction Corp.

TYPE OF CONTRACT (Check one)



Single Project



Indefinite Delivery

AMOUNT OF BASE



BID OR



QUOTE: (Check one)

\$329,900.00

ALTERNATE(S) ACCEPTED: Nos. N/A

ALTs. TOTAL AMT.:

N/A

TOTAL OF BASE BID OR QUOTE PLUS ACCEPTED ALTERNATE(S):

\$329,900.00

AMOUNT OF MULTIPLIER FOR INDEFINITE DELIVERY CONTRACTS:

N/A

**AGENCY CERTIFICATION:**

I hereby certify that the Agency has conducted this solicitation in accordance with the requirements of the SC Consolidated Procurement Code and the *Manual for Planning and Execution of State Permanent Improvements, Part II*, and that the proposed expenditure is within the authorized scope and budget for this Project. I further certify that the Agency has authorized, unencumbered funds available for obligation to this contract. I hereby request the approval of the State Engineer to execute the attached Contract for construction services in support of the above-named Project.

BY:

(Signature)

DATE:

March 03, 2008

David R. Simms, PE

(Print or Type Name)

Chief Engineer

(Title)

APPROVED BY:

(State Engineer)

3/3/08

(Date)

**INSTRUCTIONS TO THE AGENCY**

For a Single Project Contract, submit the following:

1. SE-380 (Original & 1 copy).
2. Copy of SE-330 (if sealed bid) or SE-331 (if quotes).
3. Copy of Bid Security, if required.
4. Copy of Bid Tabulation.
5. Copy of SE-370, as applicable.
6. Copy of proposed Contract, signed by Contractor, but NOT by the Agency.
7. Copy of SE-355, with Power of Attorney, if required.
8. Copy of SE-357, with Power of Attorney, if required.

For an Indefinite Delivery Contract, submit the following:

1. SE-380 (Original & 1 copy)
2. Copy of SE-330.
3. Copy of Bid Security, if required.
4. Copy of Bid Tabulation.
5. Copy of SE-370, as applicable.
6. Copy of proposed Contract, signed by Contractor, but NOT by the Agency.

SE-380

SE-330  
Bid Form

*Bids shall be submitted only on SE-330*

BID SUBMITTED BY: CHARLES BLANCHARD CONSTRUCTION CORP.  
(Bidder's Name)

BID SUBMITTED TO: South Carolina Department of Parks, Recreation & Tourism  
(Agency Name)

FOR PROJECT: P28 - 9688 - MJ - Edisto Beach - Barracks Construction  
(Number) (Name)

**OFFER**

1. In response to the Form SE-310, *Invitation for Construction Bids*, and in compliance with the *Instructions to Bidders* for the above-named Project, the undersigned BIDDER proposes and agrees, if this Bid is accepted, to enter into a Contract with the AGENCY in the form included in the Bidding Documents, and to perform all Work as specified or indicated in the Bidding Documents, for the prices and within the time frames indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.
2. Pursuant to Section 11-32-3030(1) of the SC Code of Laws, as amended, BIDDER has submitted Bid Security as follows in the amount and form required by the Bidding Documents:  
☒ Bid Bond with Power of Attorney ☐ Electronic Bid Bond ☐ Cashier's Check  
(BIDDER check one)
3. BIDDER, by submitting this Bid, affirms that it has carefully examined the Bidding Documents and the other related data identified in the Bidding Documents, has visited the actual location of the Work, has satisfied itself as to all conditions and understands that, in signing this Bid Form, it waives all rights to plead any misunderstanding regarding same and agrees to be bound by the provisions of said Bidding Documents and all statements made therein.
4. BIDDER acknowledges the receipt of the following Addenda to the Bidding Documents and has incorporated the effects of said Addenda into its Bid:  
ADDENDUM No: \_\_\_\_\_
5. BIDDER accepts all terms and conditions of the *Invitation for Construction Bids*, including, without limitation, those dealing with the disposition of Bid Security. BIDDER agrees that this Bid, including all Bid Alternates, if any, may not be revoked or withdrawn after the opening of bids, and shall remain open for acceptance for a period of 60 Days following the Bid Date, or for such longer period of time that BIDDER may agree to in writing upon request of the AGENCY. BIDDER understands that Bid Alternates that are not accepted in an initial award shall remain open for acceptance for the entire period set above and for such longer period as requested by AGENCY and agreed to by BIDDER.
6. BIDDER herewith submits its offer to provide all labor, materials, equipment, tools of trades and labor, accessories, appliances, warranties and guarantees, and to pay all royalties, fees, permits, licenses and applicable taxes necessary to complete the following items of construction work:

6.1 **BASE BID WORK** (as indicated in the Bidding Documents and generally described as follows):

The project consists of a roughly 2,400 SF one-story building of an elevated concrete slab-on-grade, load bearing wood stud walls with wood truss roof framing, lap siding veneer with single roofing including but not limited to plumbing, HVAC, electrical, septic system, and other site improvements.

\$ 329,900.

(enter BASE BID in figures only)

, which sum is hereafter called the **BASE BID**.

## SE-330 Bid Form

LISTING OF PROPOSED SUBCONTRACTORS

1. A SUBCONTRACTOR is an entity who will perform work or render service to the prime contractor to or about the construction site. Material suppliers, manufacturers and fabricators are not SUBCONTRACTORS and are not to be listed.
2. Any BIDDER responding to an *Invitation for Construction Bids* shall list in its bid the name of only those SUBCONTRACTOR(S) that will perform the work so identified in the *Invitation*.
3. If BIDDER determines to use its own employees to perform any portion of the work listed below, and if BIDDER is qualified to perform such work under the terms of the Bidding Documents, BIDDER shall list itself in the appropriate place in its bid and not subcontract any of that work except with the approval of the Agency for good cause shown.
4. BIDDER hereby acknowledges and agrees that any failure by BIDDER to list SUBCONTRACTORS in accordance with the requirements of the SC Code of Laws shall render the BID non-responsive.
5. A SUBCONTRACTOR listed for a BID ALTERNATE may be used for all work, including the Base Bid work, if the BID ALTERNATE is accepted.
6. BIDDER hereby states its commitment to use the below-listed SUBCONTRACTORS in the performance of the Subcontractor Speciality work listed:

SUBCONTRACTOR SPECIALTY (COMPLETED BY A/E)	SUBCONTRACTOR'S NAME or PRIME BIDDER'S NAME (MUST BE COMPLETED BY BIDDER)	SUBCONTRACTOR'S SC LICENSE NUMBER (FOR INFORMATION)
<u>EASE BID WORK</u>		
Site work	DIRT MOVERS & CBCC	G-111874
Plumbing	BPCO	M-3837
HVAC	BAD	M-107839
Electrical	Kintz	M-106005
Roofing	TNT	RBS-39058
Concrete	CBCC	G-11461

ALTERNATE BID WORKBID ALTERNATE NO. 1

	N/A	
--	-----	--

BID ALTERNATE NO. 2

	N/A	
--	-----	--

BID ALTERNATE NO. 3

	N/A	
--	-----	--

BID ALTERNATE NO. 4

	N/A	
--	-----	--

## SE-330 Bid Form

### TIME OF CONTRACT PERFORMANCE

BIDDER hereby agrees to complete the construction work in accordance with the following schedule:

1. The DATE OF COMMENCEMENT shall be established in Form SE-390, *Notice to Proceed*. The BIDDER shall not incur any expense chargeable to this Project until the Contract has been executed by both the Agency and the Contractor, and a Notice to Proceed has been issued.
2. The DATE OF SUBSTANTIAL COMPLETION, to be documented on Form SE-550A, *Certificate of Substantial Completion*, shall be ( 150 ) CALENDAR DAYS from the DATE OF COMMENCEMENT set forth in the SE-390, subject to adjustments as provided in the Contract Documents.
3. The DATE OF FINAL COMPLETION, to be documented on Form SE-560C, *Certificate of Final Completion*, shall be ( 30 ) CALENDAR DAYS from the DATE OF SUBSTANTIAL COMPLETION, subject to adjustments as provided in the Contract Documents.

### LIQUIDATED DAMAGES AND EARLY COMPLETION AWARD

1. The undersigned further agrees that from the compensation to be paid, the Agency shall retain as Step One Liquidated Damages the amount of \$100.00 for each calendar day the actual construction time required to achieve SUBSTANTIAL COMPLETION exceeds the specified or adjusted Contract time for SUBSTANTIAL COMPLETION, as provided in the Contract Documents.
2. The undersigned further agrees that from the compensation to be paid, the Agency shall retain as Step Two Liquidated Damages the amount of \$100.00 for each calendar day the actual construction time required to achieve FINAL COMPLETION exceeds the specified or adjusted Contract Time for FINAL COMPLETION, as provided in the Contract Documents.
3. The undersigned further agrees that in full and complete satisfaction for the best efforts of the undersigned to achieve SUBSTANTIAL COMPLETION before the date established above, the Agency shall pay the undersigned an Early Completion Award in the amount of \$0.00 for each calendar day the actual construction time required to achieve SUBSTANTIAL COMPLETION is less than the originally specified Contract Time for SUBSTANTIAL COMPLETION, as provided in the Contract Documents.

### AGREEMENTS

By submitting this Bid, BIDDER hereby agrees to the following terms and conditions:

1. An incomplete Bid, or information not requested that is written on or attached to this Bid Form that could be considered a qualification of the Bid, may be cause for rejection of the Bid.
2. The failure of the BIDDER to indicate a price for a BID ALTERNATE shall render the Bid non-responsive. A BID ALTERNATE shall be bid by indicating either a dollar amount or the words "No Change", "Zero", or "0.00". A typed or printed "No Bid", or words of similar meaning, shall render the Bid non-responsive. BIDDER must indicate whether the amount of the BID ALTERNATE is an "ADD" to or a "DEDUCT" from the amount of the Base Bid. The Bid may be determined non-responsive for failure of the BIDDER to indicate the appropriate "ADD" or "DEDUCT" for each BID ALTERNATE, unless the adjustment is obvious to the Agency.
3. If any BID ALTERNATES should be accepted by the AGENCY, they shall be incorporated into the executed Contract. BID ALTERNATES may be accepted in any combination or order, at the sole discretion of the AGENCY.
4. The BIDDER shall list only SUBCONTRACTORS (as defined in the Bidding Documents) who are qualified to perform items of work as specified in the Bidding Documents or as required by any material or equipment substitutions approved at the time of bidding. No BIDDER whose Bid is accepted shall substitute another entity as SUBCONTRACTOR in place of the SUBCONTRACTOR listed in the original Bid, except for one or more of the reasons allowed by the SC Code of Laws.
5. The failure of the BIDDER to provide the name(s) of listed SUBCONTRACTORS in accordance with the SC Code of Laws shall render the Bid non-responsive.
6. Unless otherwise provided in the Bidding Documents, BIDDER will provide Performance and Labor and Material Payment Bonds, each in the amount equal to 100% of the Contract Award, as a condition of execution of the Contract. Failure to supply such bonds as required by the Contract Documents shall result in cancellation of the Notice of Intent to Award and forfeiture of the Bid Bond.

## SE-330 Bid Form

7. BIDDER agrees to provide all information requested by the AGENCY to support the AGENCY'S evaluation and determination of the BIDDER'S responsibility, including completion of Form SE-350, *Questionnaire for Contractors*. The Questionnaire shall be completed fully and returned to the AGENCY within SEVEN (7) DAYS from date of receipt by the BIDDER by certified mail. The completed Form SE-350 must be received by the Agency no later than the close of business on the seventh day. Failure by BIDDER to supply requested information with respect to responsibility may be grounds for a determination of non-responsibility.

8. The BIDDER certifies that it will provide a "Drug-Free Workplace" as that term is defined in Section 44-107-30 of the SC Code of Laws, and shall comply with the requirements set forth in Title 44, Chapter 107.

9. At any time prior to the issuance of the Notice to Proceed for this Project, this Contract may be canceled for the convenience of the State.

10. Neither the State of South Carolina nor any of its agencies, employees or agents shall be responsible for any bid preparation costs, or any costs or charges of any type, should all bids be rejected or the Project canceled for any reason prior to the issuance of the Notice to Proceed.

ELECTRONIC BID BOND

By signing below, the Principal is affirming that the identified electronic bid bond has been executed and that the Principal and Surety are firmly bound unto the State of South Carolina under the terms and conditions of the Form SE-335 included in the Bidding Documents.

\_\_\_\_\_  
(Electronic Bid Bond Number)

\_\_\_\_\_  
(Signature and Title)

BIDDER'S TAXPAYER IDENTIFICATION

FEDERAL EMPLOYER'S IDENTIFICATION NUMBER: \_\_\_\_\_

OR

SOCIAL SECURITY NUMBER: \_\_\_\_\_

57-0608380

CONTRACTOR'S CLASSIFICATIONS AND SUBCLASSIFICATIONS WITH LIMITATIONS

BD-5

(Classification)

\_\_\_\_\_  
(Subclassification)

UNLIMITED

(Limitations)

G-11461

(SC Contractor's License Number)

SIGNATURE

CHARLES BLANCHARD CONSTRUCTION CORP.

(Legal Name of Person, Firm or Corporation Submitting Bid)

P.O. Box 31377 CHARLESTON, SC. 29417

(Mailing Address for the above)



Mike Blanchard

BY

(Signature)

1/8/2007

(Date)

PRESIDENT

(Title)

843.747.5757

(Phone)



SE-330

## Bid Form

2008 Edition  
(Revised 12-12-08)

*Bids shall be submitted only on SE-330*

BID SUBMITTED BY: PALMETTO CONSTRUCTION GROUP, LLC

(Bidder's Name)

BID SUBMITTED TO: College of Charleston

(Agency Name)

FOR PROJECT: H15-9635-PG

(Number)

College of Charleston Craig Cafeteria Conversion and Renovation

(Name)

## OFFER

1. In response to the Form SE-310, *Invitation for Construction Bids*, and in compliance with the *Instructions to Bidders* for the above-named Project, the undersigned **BIDDER** proposes and agrees, if this Bid is accepted, to enter into a Contract with the AGENCY in the form included in the Bidding Documents, and to perform all Work as specified or indicated in the Bidding Documents, for the prices and within the time frames indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

2. Pursuant to Section 11-32-3030(1) of the SC Code of Laws, as amended, **BIDDER** has submitted Bid Security as follows in the amount and form required by the Bidding Documents:

☒ Bid Bond with Power of Attorney    ☐ Electronic Bid Bond    ☐ Cashier's Check  
(**BIDDER** check one)

3. **BIDDER**, by submitting this Bid, affirms that it has carefully examined the Bidding Documents and the other related data identified in the Bidding Documents, has visited the actual location of the Work, has satisfied itself as to all conditions and understands that, in signing this Bid Form, it waives all rights to plead any misunderstanding regarding same and agrees to be bound by the provisions of said Bidding Documents and all statements made therein.

4. **BIDDER** acknowledges the receipt of the following Addenda to the Bidding Documents and has incorporated the effects of said Addenda into its Bid:

ADDENDUM No: 1, 2, 3

5. **BIDDER** accepts all terms and conditions of the *Invitation for Construction Bids*, including, without limitation, those dealing with the disposition of Bid Security. **BIDDER** agrees that this Bid, including all Alternate Base Bids, may not be revoked or withdrawn after the opening of bids, and shall remain open for acceptance for a period of 60 Days following the Bid Date, or for such longer period of time that **BIDDER** may agree to in writing upon request of the AGENCY.

6. **BIDDER** herewith submits its offer to provide all labor, materials, equipment, tools of trades and labor, accessories, appliances, warranties and guarantees, and to pay all royalties, fees, permits, licenses and applicable taxes necessary to complete the following items of construction work:

**6.1 BASE BID WORK (BASE BID NO. 1)** (as indicated in the Bidding Documents and generally described as follows):

Includes Work as depicted in Project Summary, deleting custom benches as depicted on Sheet L101 and in Detail 3/L302, and complete as shown on the Contract Drawings and in the Project Manual.

Two million two hundred and ninety nine thousand  
2,499,000

(enter BASE BID in figures only)

, which sum is hereafter called the **BASE BID No. 1**.

(If there are additional Base Bids insert the following for each):

# SE-330 - Bid Form

2008 Edition  
Revised 12-12-08

**BASE BID WORK (BASE BID NO. 2)** (as indicated in the Bidding Documents and generally described as follows):  
Includes Work of Base Bid 1; and adds Bluestone paving as depicted on Sheet L103-A, and adds custom benches as depicted on Sheet L101 and in Detail 3/L302.

Two million seven hundred and thirty-four thousand  
2,734,000, which sum is hereafter called the **BASE BID No. 2**.  
(enter BASE BID in figures only)

**BASE BID WORK (BASE BID NO. )** (as indicated in the Bidding Documents and generally described as follows):

\_\_\_\_\_, which sum is hereafter called the **BASE BID No.**  
(enter BASE BID in figures only)

## 6.2 UNIT PRICE WORK

**BIDDER** offers for the Agency's consideration and use the following **UNIT PRICES**. The **UNIT PRICES** offered by **BIDDER** indicate the amount to be added to or deducted from the Contract Sum for each item-unit combination. **UNIT PRICES** include all costs to the Agency, including those for materials, labor, equipment, tools of trades and labor, fees, taxes, insurance, bonding, overhead, profit, etc. The Agency reserves the right to include or not to include any of the following **UNIT PRICES** in the Contract and to negotiate the **UNIT PRICES** with **BIDDER**.

No.	ITEM	Base Bid Qty.	Unit of Measure	ADD	DEDUCT
1	Additional Pipe Bedding	<del>BASE BID</del>	Cubic Foot	65	
2	Add Excavation/Trenching	<del>BASE BID</del>	Cubic Yard	105	
3	Additional Backfill	<del>BASE BID</del>	Cubic Yard	82	
4	Add Fire Alarm Devices	<del>BASE BID</del>	Each	600	
5	Add FP Sprinkler Heads		Each	250	
6	Additional Exit Signs		Each	400	
7	Add Voice & Data Outlets		Each	150	
8	Exterior Wood Trim		Board Foot	12	

# SE-330 Bid Form

2008 Edition  
(Revised 12-12-08)

## LISTING OF PROPOSED SUBCONTRACTORS

1. A Subcontractor is an entity who will perform work or render service to the prime contractor to or about the construction site. Material suppliers, manufacturers and fabricators are not Subcontractors and are not to be listed.
2. Bidder must list in its bid the name of only those Subcontractors that will perform the work so identified in the Invitation.
3. If Bidder determines to use its own employees to perform any portion of the work listed below, and if Bidder is qualified to perform such work under the terms of the Bidding Documents, Bidder must list itself in the appropriate place in its bid and not subcontract any of that work except with the approval of the Agency for good cause shown.
4. Bidder's failure to list a Subcontractor for each listed Specialty Subcontractor will render the BID non-responsive.
5. A Subcontractor listed for an Alternate Base Bid must be used for all work if the Alternate Base Bid is accepted.
6. Bidder hereby states its commitment to use the below-listed Subcontractors in the performance of the Subcontractor Specialty work listed:

SUBCONTRACTOR SPECIALTY (COMPLETED BY A/E)	SUBCONTRACTOR OR PRIME CONTRACTOR'S NAME (MUST BE COMPLETED BY BIDDER)	SUBCONTRACTOR'S SC LICENSE NUMBER (For Information)
	<b>BASE BID 1</b> <i>Star Services</i>	
HVAC	<del>Summerville Mechanical</del>	<i>M104637</i>
Electrical	<i>WD ROBINSON</i>	<i>1982</i>
Plumbing	<del>Summerville Mechanical</del>	<i>M104637</i>
	<i>BFCO</i>	<i>3837</i>

### BASE BID 2

HVAC	<i>Summerville mechanical</i>	<i>M104637</i>
Electrical/Plumbing	<i>WD ROBINSON / Summerville mechanical</i>	<i>1982 / M104637</i>
	<i>BFCO</i>	<i>3837</i>

### BASE BID 3




# SE-330 Bid Form

2008 Edition  
(Revised 12-12-08)

## TIME OF CONTRACT PERFORMANCE

**BIDDER** hereby agrees to complete the construction work in accordance with the following schedule:

1. The **DATE OF COMMENCEMENT** shall be established in Form SE-390, *Notice to Proceed*. The **BIDDER** shall not incur any expense chargeable to this Project until the Contract has been executed by both the Agency and the Contractor, and a Notice to Proceed has been issued.
2. The **DATE OF SUBSTANTIAL COMPLETION**, to be documented on Form SE-550A, *Certificate of Substantial Completion*, shall be ( 275 ) **CALENDAR DAYS** from the **DATE OF COMMENCEMENT** set forth in the SE-390, subject to adjustments as provided in the Contract Documents.
3. The **DATE OF FINAL COMPLETION**, to be documented on Form SE-560C, *Certificate of Final Completion*, shall be ( 30 ) **CALENDAR DAYS** from the **DATE OF SUBSTANTIAL COMPLETION**, subject to adjustments as provided in the Contract Documents.

## LIQUIDATED DAMAGES AND EARLY COMPLETION AWARD

- 1 The undersigned further agrees that from the compensation to be paid, the Agency shall retain as **Step One Liquidated Damages** the amount of \$200.00 for each calendar day the actual construction time required to achieve **SUBSTANTIAL COMPLETION** exceeds the specified or adjusted Contract time for **SUBSTANTIAL COMPLETION**, as provided in the Contract Documents.
- 2 The undersigned further agrees that from the compensation to be paid, the Agency shall retain as **Step Two Liquidated Damages** the amount of \$400.00 for each calendar day the actual construction time required to achieve **FINAL COMPLETION** exceeds the specified or adjusted Contract Time for **FINAL COMPLETION**, as provided in the Contract Documents.
- 3 The undersigned further agrees that in full and complete satisfaction for the best efforts of the undersigned to achieve **SUBSTANTIAL COMPLETION** before the date established above, the Agency shall pay the undersigned an **Early Completion Award** in the amount of N/A for each calendar day the actual construction time required to achieve **SUBSTANTIAL COMPLETION** is less than the originally specified Contract Time for **SUBSTANTIAL COMPLETION**, as provided in the Contract Documents.

## AGREEMENTS

By submitting this Bid, **BIDDER** hereby agrees to the following terms and conditions:

1. An incomplete Bid, or information not requested that is written on or attached to this Bid Form that could be considered a qualification of the Bid, may be cause for rejection of the Bid.
2. The failure of the **BIDDER** to indicate a price for an **ALTERNATE BASE BID** shall render the Bid non-responsive. A typed or printed "No Bid", or words of similar meaning, shall render the Bid non-responsive.
3. The **BIDDER** shall list only **SUBCONTRACTORS** (as defined in the Bidding Documents) who are qualified to perform items of work as specified in the Bidding Documents or as required by any material or equipment substitutions approved at the time of bidding. No **BIDDER** whose Bid is accepted shall substitute another entity as **SUBCONTRACTOR** in place of the **SUBCONTRACTOR** listed in the original Bid, except for one or more of the reasons allowed by the SC Code of Laws.
4. The failure of the **BIDDER** to provide the name(s) of listed **SUBCONTRACTORS** in accordance with the SC Code of Laws shall render the Bid non-responsive.
5. Unless otherwise provided in the Bidding Documents, **BIDDER** will provide Performance and Labor and Material Payment Bonds, each in the amount equal to 100% of the Contract Award, as a condition of execution of the Contract. Failure to supply such bonds as required by the Contract Documents shall result in cancellation of the Notice of Intent to Award and forfeiture of the Bid Bond.
6. **BIDDER** agrees to provide all information requested by the **AGENCY** to support the **AGENCY'S** evaluation and determination of the **BIDDER'S** responsibility, including completion of Form SE-350, *Questionnaire for Contractors*. The Questionnaire shall be completed fully and returned to the **AGENCY** within SEVEN (7) DAYS from date of receipt by the **BIDDER** by certified mail. The completed Form SE-350 must be received by the Agency no later than the close of business on the seventh day. Failure by **BIDDER** to supply requested information with respect to responsibility may be grounds for a determination of non-responsibility.
7. The **BIDDER** certifies that it will provide a "Drug-Free Workplace" as that term is defined in Section 44-107-30 of the SC Code of Laws, and shall comply with the requirements set forth in Title 44, Chapter 107.

# SE-330 Bid Form

2008 Edition  
(Revised 12-12-08)

8. At any time prior to the issuance of the Notice to Proceed for this Project, this Contract may be canceled for the convenience of the State.
9. Neither the State of South Carolina nor any of its agencies, employees or agents shall be responsible for any bid preparation costs, or any costs or charges of any type, should all bids be rejected or the Project canceled for any reason prior to the issuance of the Notice to Proceed.

## ELECTRONIC BID BOND

By signing below, the Principal is affirming that the identified electronic bid bond has been executed and that the Principal and Surety are firmly bound unto the State of South Carolina under the terms and conditions of the Form SE-335 included in the Bidding Documents.

\_\_\_\_\_  
(Electronic Bid Bond Number)

\_\_\_\_\_  
(Signature and Title)

## BIDDER'S TAXPAYER IDENTIFICATION

FEDERAL EMPLOYER'S IDENTIFICATION NUMBER: \_\_\_\_\_

57. 1109470

OR

SOCIAL SECURITY NUMBER: \_\_\_\_\_

## CONTRACTOR'S CLASSIFICATIONS AND SUBCLASSIFICATIONS WITH LIMITATIONS

BD-5

\_\_\_\_\_  
(Classification)

\_\_\_\_\_  
(Subclassification)

unlimited

\_\_\_\_\_  
(Limitations)

6104680  
\_\_\_\_\_  
(SC Contractor's License Number)

## SIGNATURE

Palmetto construction Group, LLC

\_\_\_\_\_  
(Legal Name of Person, Firm or Corporation Submitting Bid)

2265 Clements Ferry Rd St. 204 Charleston, SC 29492

\_\_\_\_\_  
(Mailing Address for the above)

BY:

  
\_\_\_\_\_  
(Signature)

2/24/09

\_\_\_\_\_  
(Date)

Partner

\_\_\_\_\_  
(Title)

(843) 971.7156

\_\_\_\_\_  
(Phone)



**SE-335**  
**Bid Bond**

2008 Edition

**KNOW ALL PERSONS BY THESE PRESENTS THAT**

Palmetto Construction Group, LLC, 2265 Clements Ferry Road, Suite 204, Charleston, SC 29492

*(Insert full name and address or legal title of Bidder)*

hereinafter referred to as "Principal," and

The Hanover Insurance Company, 440 Lincoln Street, Worcester, MA 01653

*(Insert full name and address of principal place of business of Surety)*

a corporation duly organized and existing under the laws of the State of New Hampshire, with its principal office in the City of Worcester, and authorized to transact business in this State, hereinafter called the "Surety", are jointly and severally held and firmly bound unto

College of Charleston, 133 Calhoun Street, Charleston, SC 29401

*(Insert full name of Agency)*

hereinafter referred to as "Obligee", the sum of 5% of principal's bid, being the sum of the Bond to which payment the Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

**THE CONDITION OF THIS OBLIGATION IS SUCH** that whereas the Principal has submitted to Obligee the accompanying bid incorporated by reference herein, dated as shown, to enter into a contract in writing for

H15-9635-PG; College of Charleston Craig Cafeteria Conversion and Renovation

*(Insert the State Project Number & Name as found on the SE-330, Bid Form)*

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that default of Principal shall occur upon the failure of the Principal to deliver, within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Obligee), the executed Agreement required by the Bidding Documents and any performance and payment Bonds required by the Bidding Documents. This obligation shall be null and void if the Obligee shall accept Principal's Bid and Principal delivers, within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Obligee), the executed Agreement required by the Bidding Documents and any performance and payment Bonds required by the Bidding Documents; or all Bids are rejected by Obligee; or Obligee fails to issue a Notice of Intended Award to Principal within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Principal). Payment under this Bond shall be due and payable in full upon default of Principal and within 30 calendar days after receipt by Principal and Surety of written notice of default from Obligee, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due. Surety waives notice of and any and all defenses based on or arising out of any time extension to issue the Notice of Intended Award agreed to in writing by Obligee and Principal. Any dispute, suit, action or proceeding arising out of or relating to this Bond shall be governed by the Dispute Resolution process defined in the Bidding Documents and the laws of the State of South Carolina. Surety shall cause to be attached to the Bond a current and effective Power of Attorney evidencing the authority of the officer, agent or representative who executed this Bond on behalf of Surety to execute, seal and deliver such Bond and bind the Surety thereby.

**IN WITNESS WHEREOF**, Surety and Principal, intending to be legally bound hereby, subject to the terms stated above, do each cause this Bid Bond to be duly executed on its behalf by its authorized officer, agent or representative.

DATED this 19th day of February, 2009 BOND NUMBER TBA

**PRINCIPAL**

Palmetto Construction Group, LLC

BY:

*(Principal's Name)*  
*(Signature and Title)*

ATTEST:

*(Signature and Title)*

**SURETY**

The Hanover Insurance Company

BY:

*(Surety's Name)*  
*(Signature and Title) (Attach Power of Attorney)*

ATTEST:

*(Signature and Title)*

**This Power of Attorney may not be used to execute any bond with an inception date after February 1, 2011**

**THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA**

**POWERS OF ATTORNEY  
CERTIFIED COPY**

KNOW ALL MEN BY THESE PRESENTS: That THE HANOVER INSURANCE COMPANY and MASSACHUSETTS BAY INSURANCE COMPANY, both being corporations organized and existing under the laws of the State of New Hampshire, and CITIZENS INSURANCE COMPANY OF AMERICA, a corporation organized and existing under the laws of the State of Michigan, do hereby constitute and appoint  
**C. Criss Williams, Jr., and/or Laura W. Dennison**

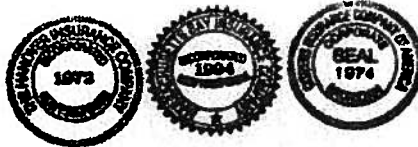
of Columbia, SC and each is a true and lawful Attorney(s)-in-fact to sign, execute, seal, acknowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, or, if the following line be filled in, only within the area therein designated

any and all bonds, recognizances, undertakings, contracts of indemnity or other writings obligatory in the nature thereof, as follows:  
**Any such obligations in the United States, not to exceed Twenty Million and No/100 (\$20,000,000) in any single instance**

and said companies hereby ratify and confirm all and whatsoever said Attorney(s)-in-fact may lawfully do in the premises by virtue of these presents. These appointments are made under and by authority of the following Resolution passed by the Board of Directors of said Companies which resolutions are still in effect:

"RESOLVED, That the President or any Vice President, in conjunction with any Assistant Vice President, be and they are hereby authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as its acts, to execute and acknowledge for and on its behalf as Surety any and all bonds, recognizances, contracts of indemnity, waivers of citation and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company. Any such writings so executed by such Attorneys-in-fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper persons." (Adopted October 7, 1981 - The Hanover Insurance Company; Adopted April 14, 1982 - Massachusetts Bay Insurance Company; Adopted September 7, 2001 - Citizens Insurance Company of America)

IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by a Vice President and an Assistant Vice President, this 18th day of June, 2008.



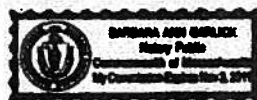
**THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA**

Mary Jeanne Anderson, Vice President

Robert K. Grennan, Assistant Vice President

THE COMMONWEALTH OF MASSACHUSETTS )  
COUNTY OF WORCESTER ) ss.

On this 18th day of June 2008, before me came the above named Vice President and Assistant Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, to me personally known to be the individuals and officers described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, respectively, and that the said corporate seals and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said Corporations.



Notary Public

My commission expires on November 3, 2011

I, the undersigned Assistant Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Powers of Attorney are still in force and effect.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America.

"RESOLVED, That any and all Powers of Attorney and Certified Copies of such Powers of Attorney and certification in respect thereto, granted and executed by the President or any Vice President in conjunction with any Assistant Vice President of the Company, shall be binding on the Company to the same extent as if all signatures therein were manually affixed, even though one or more of any such signatures thereon may be facsimile." (Adopted October 7, 1981 - The Hanover Insurance Company; Adopted April 14, 1982 Massachusetts Bay Insurance Company; Adopted September 7, 2001 - Citizens Insurance Company of America)

GIVEN under my hand and the seals of said Companies, at Worcester, Massachusetts, this 19th day of February, 2009

**THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA**

Stephen L. Brault, Assistant Vice President



**SE-370**  
**Notice of Intent to Award**

2008 Edition

**AGENCY:** College of Charleston

(Agency Name)

**PROJECT:** H15-9635-PG

(Project Number)

Craig Cafeteria Conversion and Renovation

(Project Name)

**TO ALL BIDDERS:**

The Agency has determined that the below-named Bidder is responsible in accordance with the requirements of the Bidding Documents and has submitted the lowest responsive Bid. The Agency hereby announces its intent to enter into a contract with this Bidder for the construction of the above-named Project, subject to the provisions of SC law.

**NAME OF BIDDER(S):** Palmetto Construction Group, LLC

**DATE BIDS WERE RECEIVED:** February 24th, 2009 at 2:00 pm

**AMOUNT OF BASE BID:**

\$ \$2,619,000

**ALTERNATE(S) ACCEPTED:** #                     

**Total:** \$ \$0

**TOTAL AMOUNT OF BASE BID WITH ALTERNATE(S):**

\$ \$2,619,000

**Remarks:** (In accordance with Chapter 6 of the OSE Manual, explain any negotiations that resulted in a change in either the Base Bid or the accepted Bid Alternates)

n/a

**RIGHT TO PROTEST:**

Any actual bidder, offeror, contractor or subcontractor who is aggrieved in connection with the intended award or award of this Contract may protest to the State Engineer in accordance with Section 11-35-4210 of the SC Code of Laws at: CPO, Office of State Engineer, 1201 Main Street, Suite 600, Columbia, SC 29201, EMAIL: [protest-ose@mmo.sc.gov](mailto:protest-ose@mmo.sc.gov)

  
(Signature of Awarding Authority)

2-27-09  
(Date Posted)

JOHN CORDRAY  
(Print or Type Name of Awarding Authority)

DIRECTOR OF ENGINEERING  
(Awarding Authority Title)

**INSTRUCTIONS TO THE AGENCY:**

1. Post a copy of this form on the Date and at the Location announced at the Bid Opening.
2. Mail a copy of this Form and the final Bid Tabulation to all responsive Bidders and OSE.

SE-370

**Figure 1**

Date: 2-24-09